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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,273	03/16/2001	Hiroyuki Nishii	Q63124	4971

7590 08/27/2003  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

15

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-15

**Office Action Summary**

Application No.

09/809,273

Applicant(s)

NISHII ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10, 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. This Office action is in response to the Information Disclosure Statements paper numbers 10 and 11 (filed 2/10/2003 and 3/28/2003 respectively) and the appeal brief, paper no. 14, received May 12, 2003. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The rejection of claims 4, 5, 10, and 11 under 35 USC 102(b) as being anticipated by Yamashita et al. (US 5,189,405) is withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-9, and 12 are rejected under 35 USC 102(b) as being anticipated by Yamashita et al. (US 5,189,405). Yamashita et al. describes a covering over a thin film electroluminescent element (see abstract). The "moisture absorption sheet" (4) which may be formed of woven fabric (see col. 3, lines 6-7) reads upon the instant

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porous material and dispersed in the sheet is moisture absorbent powder per the instant removing agent capable of removing a prescribed gaseous component. The removing agent removes moisture, which is found in gaseous form in the atmosphere. The container described by Yamashita is formed of multi-layered sheets. The resin layer (53) reads upon the non-porous sheet of instant claims 2 and 8. The moisture absorbent sheet (4) reads upon the porous sheet of instant claims 2 and 8. They are attached at the peripheries of the sheets (see figure). The plastic film (3) reads upon the instant reinforcing sheet per instant claims 3 and 9. Yamashita et al. is deemed to disclose all components of instant claims 1-3, 6-9, and 12.

5. Claims 1, 6, 7, and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Ebisawa et al. (EP 0 969 700 A1). Ebisawa discloses an organic EL structure comprising a gas-tight casing (see abstract). Part of the container is a sheet (5) having gas and water permeability (see col. 4, lines 56-57) per the porous material. The desiccant (6) reads upon the instant removing agent. The desiccant removes water vapor (see paragraphs 16-19). Ebisawa et al. is deemed to disclose all components of claims 1, 6, 7, and 12.

6. Claims 1, 6, 7, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebisawa et al. (US 6,284,342). Ebisawa discloses an organic EL structure comprising a gas-tight casing (see abstract). Part of the container is a sheet (5) having gas and water permeability (see col. 4, lines 7-10) per the porous material. The desiccant (6) reads upon the instant removing agent. The desiccant removes water

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vapor (see col. 3, lines 11-59). Ebisawa et al. is deemed to disclose all components of claims 1, 6, 7, and 12.

***Allowable Subject Matter***

7. Claims 4, 5, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art is considered to be Yamashita et al. and Ebisawa et al. The prior art, alone or in combination with other art, fails to teach or to render obvious an EL protective container comprising a non-woven sheet or a polyolefin-based resin porous sheet in combination with the other claimed components as required by claims 4, 5, 10, and 11.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments in section VIII of the appeal brief have been fully considered. Although claims 1-3, 7-9, and 12 are again rejected over Yamashita et al., additional and further reasoning has been applied in this Office action.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (703) 305-0788. The examiner can normally be reached on Monday through Friday.

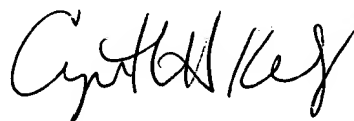
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

D.G.  
August 18, 2003

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

A handwritten signature in black ink, appearing to read 'Cynthia H. Kelly', is written below the printed name and title.